

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

DEC 12 2008

LAWRENCE K. BAERMAN, Clerk
UTICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PRIMERICA LIFE INSURANCE COMPANY,

Plaintiff,

v.

DOROTHY G. BARKER; SAMANTHA M. BARKER; L.C.B.;
D.G.B.; and ESTATE OF STEVEN M. BARKER;

Defendants.

Civil Action No.:
6:08-CV-0767
(DNH/GHL)

APPEARANCES:

NIXON PEABODY LLP
Attorneys for Plaintiff
677 Broadway, 10th Floor
Albany, New York 12207

KERNAN AND KERNAN P.C.
Attorneys for Defendants
Dorothy G. Barker; Samantha M. Barker;
C.B.; and D.G.B.;
258 Genesee Street #10, Suite 600
Utica, New York 13502

HAGE AND HAGE LLC
Attorneys for Defendant
Estate of Steven M. Barker
610 Charlotte Street
Utica, New York

DAVID N. HURD,
United States District Judge

OF COUNSEL:

ANDREW C. ROSE, ESQ.

LEIGHTON R. BURNS, ESQ.

DANIEL A. BURGESS, ESQ.

FINAL JUDGMENT

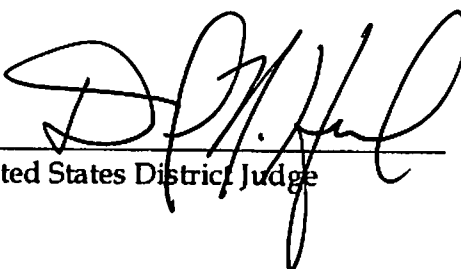
WHEREAS Plaintiff Primerica Life Insurance Company ("Primerica") has moved pursuant to Federal Rule of Civil Procedure 54(b) for certification of, and entry of final judgment on, the claims decided by this Court in its September 29, 2008 Order holding that:

- (1) Plaintiff Primerica Life Insurance Company is released and discharged from any further liability upon its life insurance policy number 0430583973 relative to the death of Steven M. Barker, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure; and
- (2) each Defendant is enjoined from instituting or prosecuting any proceeding against Plaintiff and/or its agents, in any court, federal or state, for the recovery of the life insurance proceeds under the policies at issue in this action, or any part thereof; and
- (3) Defendants shall be required to interplead and litigate, in this action, their respective claims to the above-referenced amount of \$375,000 plus interest (if any), minus any attorneys' fees and costs awarded to plaintiff in this action; and
- (4) Plaintiff is entitled to attorney's fees.

IT IS HEREBY ORDERED AND ADJUDGED that, in accordance with Federal Rule of Civil Procedure 54(b), this Court finds that there is no just reason for delay of the entry of final judgment as to Plaintiff's Complaint in Interpleader, and that, accordingly Plaintiff's motion for entry of a final judgment as to its claim is granted.

Enter:

Dated: 12 / 12 / 08
Utica, New York


United States District Judge